

7:23-cv-00084

EXHIBIT 2



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April 19, 2023

Via Email – dcammack@whitakerchalk.com

Decker A. Cammack
Whitaker Chalk Swindle & Swartz PLLC
301 Commerce Street, Suite 3500
Fort Worth, Texas 79705

RE: Charis Engineering Potential Infringement of BCCK Patents
Scheef & Stone Ref. No. 40002.0502

Dear Mr. Cammack:

Our firm represents BCCK Engineering, Incorporated and BCCK Holding Company (collectively “BCCK”) in connection with intellectual property matters. BCCK forwarded your letter dated April 17, 2023, regarding Charis Engineering, LLC (“Charis”) to our firm for response. Please direct all future correspondence regarding this matter to my attention.

BCCK has legitimate concerns that Charis may be infringing one or more of BCCK’s patents or is otherwise violating BCCK’s intellectual property rights based on Charis’ improper use of BCCK’s propriety and trade secret information. As you likely know, Charis’ principal, Byron Cheatham, is a former officer and employee of BCCK. During his time at BCCK, Mr. Cheatham gained knowledge of BCCK’s proprietary and trade secret information related to nitrogen rejection unit (“NRU”) technology and is prohibited from using that information for the benefit of Charis. Contrary to your assertion, BCCK’s concerns are not baseless or unfounded. Moreover, BCCK is permitted to inform potential customers of its patent rights, including that systems and methods offered by Charis may infringe those rights. Such actions do not constitute tortious interference, unfair competition, or similar torts.

As indicated in your letter, Charis is already aware of BCCK’s U.S. Patent Nos. 9,816,752 and 10,302,355. Please be advised that BCCK also owns U.S. Patent No. 11,378,333 and U.S. Application Serial No. 16/852,770 (which will issue soon). BCCK also has a pending application related to the ‘333 patent and ‘770 application, U.S. Application Serial No. 18/129,630. These patents include claims directed to NRUs, including claims related to the use of a condenser/heat exchanger configuration (which may include a knockback condenser) to enhance performance of the NRU technology. BCCK believes the claims of these patents and applications may be infringed by the systems and methods for removing

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nitrogen offered by Charis. If Charis believes those systems and methods do not infringe these patents, we would appreciate receiving a brief description of the technologies Charis has offered along with your identification of the claim limitations from these patents you assert are not met, literally or under the doctrine of equivalents, so that we may more fully evaluate BCCK's potential infringement claims. As you have already expressed Charis' confidence that its technology is "well outside the scope" of the '355 and '752 patents, we believe you have already completed an infringement analysis of these patents. It should not take long to complete the analysis of the '333 patent or the allowed claims on the '770 application. Accordingly, we would appreciate receiving your response by April 27, 2023.

While we believe it is in both parties' interests to avoid this matter progressing to formal legal action, BCCK is prepared to take action to enforce its rights if necessary. However, we hope that Charis understands that BCCK is not interested in making any claim against Charis, or Mr. Cheatham, if the technologies Charis is offering are truly outside the scope of BCCK's patents and do not utilize BCCK's proprietary and trade secret information. Your cooperation in providing the requested information will be helpful in avoiding escalation of this matter.

We look forward to receiving your response.

Sincerely,

/Robin L. Barnes/

Robin L. Barnes

cc: Kevin Blount (via email)